

REMARKS

Claims 1-6 are all the claims pending in the application. Claim 1 has been amended to delete the recitation that R1 and R2 may combine and form a ring structure.

Entry of the above amendments is respectfully requested.

I. Response to Rejection of Claims 1 and 6 under 35 U.S.C. § 112, second paragraph

Claims 1 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants respectfully traverse the rejections.

A. The Examiner inquires what radicals are intended at the R position of the carbonyl radical (alone or in combination forms)? For instance, -C(O)-R represents carbonyl.

It is respectfully submitted that the breadth of a claim should not be equated with indefiniteness and that one of skill in the art would understand what radicals are intended by R, particularly based on the specification, which discloses acetyl, propionyl, butyryl, valeryl, isovaleryl, pivaloyl, lauroyl, myristoyl, benzoyl and naphthoyl groups etc. More specifically, one of skill in the art would understand that the carbonyl group means a group represented by -C(O)-R in view of the examples of the carbonyl groups described in the paragraph bridging pages 12 and 13 of the specification.

Accordingly, it is respectfully submitted that the claims are definite and comply with 35 U.S.C. § 112, second paragraph.

B. The Examiner suggests that "and a salt" be amended to "or a salt".

Without acquiescing the merits of the rejection, claims 1 and 6 have been amended accordingly, as set forth in the appendix.

C. The Examiner asserts that there is no antecedent basis for substituted amino.

It is respectfully submitted that claim 6 further defines claim 1 and that both unsubstituted and substituted amino groups are within the scope of claim 1. That is, as disclosed on page 15, lines 6-13 of the specification, the amino group represented by R1 includes unsubstituted/ monosubstituted/ disubstituted amino groups. Accordingly, both of the substituted amino and unsubstituted amino groups recited in claim 6 are within the scope of claim 1.

Similarly, for example, claim 1 recites that R1 can be an alkyl group and claim 6 further defines the alkyl group as having 1-12 carbons. That is, claim 6 further defines R1 recited in claim 1 to the preferred substituents disclosed on page 17, lines 5-9 of the specification.

Accordingly, it is respectfully submitted that the claims are definite and comply with 35 U.S.C. § 112, second paragraph.

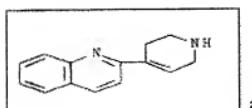
In view of the above, withdrawal of the foregoing rejections is respectfully requested.

II. Response to Rejection of Claim 1 under 35 U.S.C. § 102(b)

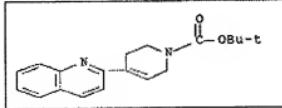
Claim 1 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by WO 99/65896 (Eli Lilly & Company).

Applicants respectfully traverse the rejection.

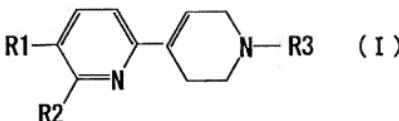
The Examiner asserts that the claimed compounds are disclosed at page 14, lines 1-3. Specifically, the following formulas:



and



Claim 1 is directed to a compound represented by the following formula (I) or a salt thereof;



wherein R1 represents an alkyl group, an alkenyl group, an alkynyl group, an aryl group, an alkoxy group, an aryloxy group, a formyl group, a carboxyl group, a carbonyl group, an oxycarbonyl group, a sulfonyl group, a carbamoyl group, a sulfamoyl group, a thiol group, an alkylthio group, an arylthio group, a thiocarbonyl group, a ureido group, an amino group, a carbonylamino group, a sulfonylamino group, a cyano group, a heterocycle residue, a fluorine atom, a bromine atom or an iodine atom, R2 represents a hydrogen atom or an alkyl group, and R3 represents a hydrogen atom, an alkyl group, a formyl group, a carboxyl group, a carbonyl group, an oxycarbonyl group, a sulfonyl group, a carbamoyl group or a sulfamoyl group.

The compounds of WO 99/65896 have ring structures (e.g., quinolinyl groups). Since claim 1 does not recite that R1 and R2 may combine and form a ring structure, the compounds of WO 99/65896 are not included within the scope of formula (I). Hence, WO 99/65896 fails to anticipate claim 1 and claim 6, which depends from claim 1.

Accordingly, withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the above, reconsideration and allowance of claims 1-6 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Keiko K. Takagi
Registration No. 47,121

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Date: May 26, 2009 (timely filed, May 24, 2009 being a Sunday and May 25, 2009 being a Federal Holiday).